

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

OTIS BROOKS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Case No. 5:08-CV-90021

Case No. 5:01-CR-14(HL)

ORDER

Currently before the Court is Petitioner Otis Brooks' Motion Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to Amend Judgment (Doc. 153).

The only grounds for granting a Rule 59 motion are newly discovered evidence or manifest errors of law or fact. Arthur v. King, 500 F.3d 1335, 1343 (11th Cir.), *cert. denied*, --- U.S. ---, 128 S.Ct. 660, 169 L.Ed.2d 511 (2007). "[A] Rule 59(e) motion [cannot be used] to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment." Id. Brooks' Rule 59(e) Motion does nothing more than re-assert arguments he has made throughout his § 2255 case. Accordingly, Brooks' Motion (Doc. 153) is denied.

SO ORDERED, this the 5th day of November, 2009.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh